



ఆంధ్ర ప్రదేశ్ రాజ పత్రము

THE ANDHRA PRADESH GAZETTE PART-II EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 98]

HYDERABAD, SATURDAY, JUNE 6, 2009.

NOTIFICATIONS BY HEADS OF DEPARTMENTS, Etc.

—x—

COMMISSIONER OF COMMERCIAL TAXES

SHOW CAUSE NOTICE ISSUED TO Sri MOHD. MOJIZ ZAKIR ALI, Sr. Asst., O/o THE DC(CT), HYD (R) DIVN.

- Ref:-
1. Leave A/o Sri Mohd. Mojiz Zakir Ali, Sr.Asst.,Dt. 14-7-1993.
 2. DC(CT) Hyd.(R)Divn. Ref.No.E2/1089/93, Dated 16-3-94
 3. Leave A/o Sri Mohd. Mojiz Zakir Ali, Sr.Asst., Dated 2-5-1994
 4. DC(CT) Hyd.(R)Divn. Ref.No.E2/1089/93, Dt. 5-9-94
 5. Leave application of Sri Mohd Mojiz Zakir Ali,Sr.Asst. (on leave) dated 16-1-1995
 6. DC(CT) Hyd.(R)Divn. Ref.No.E2/1089/93, Dated 20-6-1995
 7. Leave A/o Sri Mohd. Mojiz Zakir Ali, Sr.Asst.,(On leave) Dt. Nil received on10-10-1995
 8. DC(CT) Hyd.(R)Divn.Hyd. Memo No. E2/1089/93, Dt. 9-5-1997
 9. DC(CT) Hyd.(R)Divn.Hyd. Ref.No. E2/1089/93,Dated 9-5-1997
 - 10.Joining Report of Sri Mohd. Mojiz Zakir Ali, Sr.Asst.(on leave) dated 14-7-1997 for further posting
 - 11.DC(CT)Hyd.(R)Divn.Hyd. Proc.No.E2/1089/93,Dated 14-7-1997
 - 12.ACTO, Vikarabad Lr.Rc.No.A/9/97, dt.15-7-1997
 - 13.CTO, Rajendranagar Lr.Rc.No.A/56/99,dt.7-6-99
 - 14.DC(CT) Hyd.(R) Divn.Lr.No.E2/1089/93,dt.25-8-99
 - 15.ACTO Vikarabad Lr.Rc.No.A/27/99,dt.21-9-99
 - 16.ACTO Vikarabad Lr.Rc.No.A/27/99,7-12-99

- 17.ACTO VIKARABAD L.R.C.NO.A/27/99,DT.20-4-2000
 18.DC(CT)HYD.(R)DIVN.HYD.MEMO. NO.E2/1089/93,DATED 29-5-2000
 19.DC(CT)HYD.(R)DIVN.HYD.REF. NO.E2/1089/93, DATED 29-5-2000
 20.DC(CT)HYD.(R)DIVN.HYD. MEMO. NO.E2/1089/93,DT. 13-10-2000
 21.DC(CT)HYD.(R)DIVN.HYD. REF. NO.E2/1089/93, DT. 13-10-2000
 22.Joining report of Sri Mohd. Mojiz Zakir Ali,Dt. 26-4-2001
 23.DC(CT)HYD.(R)DIVN.HYD. PROC. NO.E2/1089/93,DT. 1-5-2001
 24.ACTO VIKARABAD L.R.C.NO.A/6/2001, dt.18-5-2001
 25.CTO, RAJENDRANAGAR L.R.C.NO.A/142/2001,DATED 8-5-2001
 26.CTO, RAJENDRANAGAR L.R.C.NO.A/142/2001, DATED 28-5-2001
 27.CTO, RAJENDRANAGAR L.R.C.NO.A/142/2001, DATED 8-6-2001
 28.CTO, RAJENDRANAGAR L.R.C.NO.A/142/2001,DATED 7-2-2002
 29.CTO, RAJENDRANAGAR L.R.C.NO.A/142/2001, DATED 11-3-2002
 30.CTO, RAJENDRANAGAR L.R.C.NO.A/142/2001,DATED 12-4-2002
 31.DC(CT)HYD.(R)DIVN.HYD. MEMO. NO.E2/1089/93-2, DT. 25-6-2002
 32.DC(CT)HYD.(R)DIVN.HYD. REF. NO.E2/1089/93-3,DT. 25-6-2002
 33.DC(CT)HYD.(R)DIVN.HYD. CHARGE MEMO. NO.E2/1089/93,DATED 16-9-2002
 34.A/o Sri Mojiz Zakir Ali, Sr. Asst.(on leave) O/o the ACTO VIKARABAD, dated 15-10-2002
 35.CTO, RAJENDRANAGAR L.R.C.NO.A/142/2001, DATED 18-10-2002
 36.CTO, RAJENDRANAGAR L.R.C.NO.A/142/2001,DATED 10-3-2003
 37.DC(CT) HYD.(R)DIVN. PROC.NO.E2/1089/93, DATED 28-9-2004
 38.Joining report of Sri Mohd.Mojiz Zakir Ali(On leave) O/o the ACTO VIKARABAD dt.7-10-2004
 received on 8-10-2004.
 39.CTO, RAJENDRANAGAR L.R.C.NO.A/142/2001,DATED 30-9-2004
 40.CTO, RAJENDRANAGAR L.R.C.NO.A/142/2001,DATED 7-10-2004
 41.DC(CT) HYD.(R)DIVN. PROC.NO.E2/1089/93,DATED 8-10-2004
 42.CTO, NACHARAM L.R.C.NO.A/54/2004,DATED 16-10-2004
 43.CTO, RAJENDRANAGAR L.R.C.NO.A/142/2001, DATED 27-10-2004
 44.CTO, NACHARAM L.R.C.NO.A/54/2004, DATED 28-10-2004
 45.CTO, NACHARAM L.R.C.NO.A/54/2004, DATED 28-10-2004
 46.CTO, NACHARAM L.R.C.NO.A/245/2003, DATED 30-10-2004
 47.DC(CT) HYD.(R)DIVN. PROC.NO.E2/1089/93, DATED 18-11-2004
 48.CTO, NACHARAM L.R.C.NO.A/54/2004, DATED 3-11-2004
 49.Leave application of Sri Mohd.Mojiz Zakir Ali, Sr.Asst.O/o the CTO,Nacharam, dt.12-1-2005
 50.DC(CT) SAROORNAGAR L.R.C..NO.A1/683/2005, DATED 16-5-2005
 51.DC(CT) SAROORNAGAR L.R.C..NO.A1/683/2005,DATED 5-8-2005
 52.CTO,SAROORNAGAR (I.R.) REF.NO.A/235/2004-05,dt.16-3-2009.

Proc.No.VIG/1089/1993-1.- Sri Mohd. Mojiz Zakir Ali, Sr. Asst., O/o the Deputy Commissioner (CT), Hyderabad (Rural) Division has applied for sanction of leave on 14-7-1993 for a period of (6) months w.e.f. 16-7-1993 for taking his align mother on pilgrimage to holy places in India on private affairs through the reference 1st cited.

2) Through the reference 2nd cited the undersigned has re-called the individual on 16-3-1994 from his leave with immediate effect in the exigencies of public interest by R.P.A.D.

- 3) The individual has filed an application extending his leave for a further period of one year from 16-1-1994 vide reference 3rd cited and stated that he has filed a representation dated 10-1-1994 extending his leave upto the end of April 1994. But the said representation dated 10-1-1994 has not received in this office.
- 4) Sri Mohd. Mojiz Zakir Ali, Sr. Asst. (on leave) has failed to furnished his leave address and hence a Memo was issued to him calling his explanation for not furnishing his “leave address” vide reference 4th cited giving a time of (10) days.
- 5) The individual has filed a representation through the reference 5th cited while extending his leave for a further one more year with effect from 16-1-1995 on private affairs as he has to complete his mission.
- 6) The undersigned has re-called Sri Mohd. Mojiz Zakir Ali, Sr. Asst . (On leave) from his leave with immediate effect because of the reasons explained do not fit into exceptional circumstances and not filed any evidence of his mother’s sickness vide reference 6th cited.
- 7) The individual through the reference 7th cited has requested for sanction of leave from 16-7-1993 to 30-9-1995 and extended his leave upto end of June 1996 stating that his mother is in a ripe old age had been suffering from various ailments under the weight of age and not responding to medical treatment. And expressed as “no other alternative than to take her to religious places to earn the blessing from various Dargas as per her desire”. He has further stated in the application that his mother is not suffering from any specific ailment so as to obtain any medical certificate. Further the individual has stated that his mother wants to get her ailments cured spiritually being an orthodox lady not covered by medical treatment. Further he stated that he cannot show any evidence of his mother’s sickness except making a reference to “MURSHADS” who are treating her.
- 8) On 14-7-1997 a Memo calling his explanation vide reference 8th cited was served on individual who was on long leave from 16-7-1996 and un-authorisedly stayed away from duty on expiry of his leave on 30-6-1996 to till the date of service of this Memo i.e. upto 14-7-1997 for his un-authorized absence giving a opportunity to file his explanation within (7) days from the date of receipt of the Memo.
- 9) Further a Memo vide reference 9th cited also served on the individual on 9-5-1997 directing him to report to duty at once before the undersigned while informing him that no further leave application will be entertained in the exigencies of public interest
- 10) The individual Sri Mohd Mojiz Zakir Ali, Sr. Asst. has reported to duty on 14-7-97 through the reference 10th cited for further posting orders giving his explanation for un-authorised absence from duty w.e.f. 1-7-1996 to 13-7-1997. He explained that due to mental agony and circumstances explained in their earlier applications (from 1-7-1996 onwards) he could not sent the leave extension application from 1-7-1996 to till to the date of his reporting to duty for further posting order. And also requested for sanction of leave w.e.f. 1-7-1996 to 11-7-1997 with suffixing Public Holidays falls on 12-7-1997 & 13-7-1997 on private affairs.
- 11) Sri Mohd Mojiz Zakir Ali, Sr. Asst. on return from leave was issued posting orders posting him as Sr. Asst. in the office of the ACTO, Vikarabad vice a vacancy through the reference 11th cited.
- 12) The ACTO, Vikarabad has reported through the reference 12th cited that Sri Mohd Mojiz Zakir Ali has reported in his office as Sr. Asst. on the Forenoon of 14-7-1997.
- 13) Again after reporting to duty in the O/o the ACTO, Vikarabad, on 14-7-1997, Sri Mohd Mojiz Zakir Ali, Sr. Asst. has filed an application dated –Nil—requesting for sanction of leave from 22-8-1997 to 5-7-1998 on private affairs as the circumstances under which he had to proceeded on leave have not improved and with a fear that he may not devote fully to his duties.
- 14) The CTO, Rajendranagar has forwarded the leave application of Sri Mohd Mojiz Zakir Ali, Sr. Asst. (on leave) dated –Nil—through the reference 13th cited through which the applicant Sri Mohd Mojiz Zakir Ali, Sr. Asst. has requested for sanction of permission to take her mother to perform “Umrali” which is the alternative to “Haj” which can be performed at any part of the year. And also represented that “while taking advantage of the opportunity of performing Umrah along with his mother, he intended to seek better employment in “SAUDI ARABIA” if he

succeed securing better employment, he would like to apply for taking advantage of the Govt. orders in G.O.Ms.No. 214 Fin. Dated 3-9-1996 read with Govt. U.O. Note No.13127-A/113/FRI/98, dated 13-5-1998. Apart from this, the individual has requested to grant extension of leave on private affairs for one more year from 6-7-1998 or till the permission for performing Umrah is granted whichever is earlier.

15) The CTO, Rajendranagar and the ACTO, Vikarabad had been requested to submit the extension of leave application of Sri Mohd Mojiz Zakir Ali, Sr. Asst. if any filed before them through the reference 14th cited.

16) The ACTO, Vikarabad had informed the undersigned that no application addressed to the Deputy Commissioner (CT), Hyderabad (Rural) Division for grant of extension of leave from 6-7-1999 was received from the individual upto 21-9-1999 vide reference 15th cited.

17) The ACTO, Vikarabad had also informed that no application for grant of extension of leave from 6-7-1999 onwards was received from the individual upto 7-12-1999 vide reference 16th cited.

18) The ACTO, Vikarabad had also informed that no application for grant of extension of leave from 6-7-1999 onwards was received from the individual upto 20-4-2000 vide reference 17th cited.

19) A memo was issued on 29-5-2000 vide reference 18th cited by RPAD to Sri Mohd Mojiz Zakir Ali, Sr. Asst. on leave directing him to explain the reasons for his un-authorised absence from duty w.e.f. 6-7-1999 within (15) days.

20) And also directed the individual to report to duty at once before the undersigned vide reference 19th cited by R.P.A.D. on 29-5-2000.

21) Again on 13-10-2000 a memo was issued by RPAD directing the individual to explain the reasons for his un-authorised absence from duty w.e.f. 6-7-1999 because he has neither reported to duty till to the date of issue of this Memo nor filed any leave application from 6-7-1999 and un-authorisedly stayed away from duty and he deserted the post without any valid reasons for a long time vide reference 20th cited.

22) On 13-10-2000 vide reference 21st cited the individual was directed to report to duty at once before the undersigned by R.P.A.D.

23) On 26-4-2001 the individual was reported before the undersigned through the reference 22nd cited stating that his mother was expired on 17-4-2001 and there is no further need to him to continue on the leave requesting for further posting orders.

24) On reporting, Sri Mohd Mojiz Zakir Ali, Sr. Asst. was posted as Sr. Asst. in the O/o the ACTO, Vikarabad vice a vacancy vide reference 23rd cited.

25) The ACTO, Vikarabad through the reference 24th cited has reported that the individual Sri Mohd Mojiz Zakir Ali, Sr. Asst. was reported in their office on the F.N. of 8-5-2001.

26) The CTO, Rajendranagar has forwarded the application of Sri Mohd Mojiz Zakir Ali, Sr. Asst., O/o the ACTO, Vikarabad for sanction of all the spells of leave to the extent of his eligibility vide reference 25th cited.

27) The individual Sri Mohd Mojiz Zakir Ali, Sr. Asst. O/o the ACTO, Vikarabad was submitted his explanation dated 24-5-2001 through the reference 26th cited against the memo issued to him on 13-10-2000 vide reference 20th & 21st cited and agreed that he could not send his application for extension of leave from 6-7-1998 due to the reasons beyond his control.

28) The individual through his application dated 2-6-2001 received in this office through the CTO, Rajendranagar vide reference 27th cited requested for sanction of leave upto 7-5-2001 whichever he is eligible.

29) Again the individual through his application dated 31-7-2001 received through the CTO, Rajendranagar vide reference 28th cited and stated that he had already applied leave for a period of one month from 1-7-2001 to 31-7-2001 on 30-6-2001 and extended the leave from 1-8-2001 to 30-9-2001 while requesting for sanction of leave from 1-7-2001 to 30-9-2001.

30) But the application of the individual dated 30-6-2001 said to be applied leave from 1-7-2001 to 31-7-2001 was not received.

31) The individual through the application dated 3-10-2001, was requested for sanction of leave from 1-7-2001 to 31-10-2001 while extending his leave from 1-10-2001 to 31-10-2001.

32) The individual through the application dated 15-11-2001, was requested for sanction of leave from 1-7-2001 to 31-12-2001 while extending his leave from 1-11-2001 to 31-12-2001.

33) Again the individual through the application dated 29-1-2001 received the CTO, Rajendranagar vide reference 29th cited extended leave from 1-1-2002 to 31-3-2002 while requesting for sanction of leave from 1-7-2001 to 31-3-2002.

34) The CTO has reported through the reference 30th cited that, the individual Sri Mohd Mojiz Zakir Ali, Sr. Asst (on leave) O/o the ACTO, Vikarabad was not reported to duty on 1-4-2002 nor received any application for extension of leave by them in their office.

35) A memo dated 25-6-2002 was issued to the individual by RPAD vide reference 31st cited directing him to submit his explanation for not reporting to duty after expiry of leave applied for on 31-3-2002 and also for not filing of leave application from 1-4-2002 and stayed away unauthorisedly from 1-4-2002 thus he has deserted the post without any valid reasons for a long time.

36) And also directed the individual by RPAD vide reference 32nd cited on 25-6-2002 to report to duty at once before the undersigned while informing him that no leave application will be entertained in the exigencies of public interest.

37) Charge memo dated 16-9-2002 was issued vide reference 33rd cited by RPAD to the individual directing him to explain the reasons for not attending his duties regularly and absenting from the duties un-authorisedly by violating the rule 3 of APSCS (Conduct) Rules 1964 within (15) days framing the following charges.

38) **Charge:** That “the individual is availed (11) years (approximately) leave in his (19 ½) years service as on 16-9-2002 and it shows that he is highly negligent in discharge of his duties and continued to display in-discipline of highest order”.

39) Sri Mohd Mojiz Zakir Ali, Sr. Asst, O/o the ACTO, Vikarabad was submitted his explanation dated 15-10-2002 vide reference 34th cited that he was absent from duty un-authorisedly and habituated to stay away from duty at his whims and fancies is false and stated that after 1-4-2002 he was already submitted his leave application through the ACTO, Vikarabad one dated 22-4-2002 covering leave from 1-4-2002 to 31-5-2002 and another dated 9-7-2002 covering leave from 1-6-2002 to 31-8-2002 while enclosing another leave application dated 15-10-2002 extending his leave from 1-9-2002 to 30-11-2002.

40) The C.T.O., Rajendranagar vide reference 34th cited has forwarded the two leave applications of Sri Mohd Mojiz Zakir Ali, Sr. Asst (on leave) O/o the ACTO, Vikarabad dated 22-4-2002 extending leave from 1-7-2001 to 31-5-2002 and another application dated 9-7-2002 extending leave from 1-7-2001 to 31-8-2002 vide reference 35th cited as expressed by the individual through his explanation dated 15-10-2002.

41) Again the CTO, Rajendranagar vide reference 36th cited has submitted the application dated 3-2-2003 of Sri Mohd Mojiz Zakir Ali, Sr. Asst (on leave) O/o the ACTO, Vikarabad extending leave for (2) months from 1-2-2003 to 31-3-2003.

42) But the application extending leave from 1-12-2002 to 31-2-2003 was not received in the office.

43) On 28-9-2004 through the reference 37th cited, the following Article of charges were issued under Rule 20 of APCS (CC&A) Rules 1991 to the individual Sri Mohd Mojiz Zakir Ali, Sr. Asst., O/o the ACTO, Vikarabad directing him to submit his written defence statement within (10) days informing him to hold an enquiry against him.

44) **ARTICLE OF CHARGE:**

That the said Sri Mohd. Mojiz Zakir Ali, while functioning as Sr. Asst., in the office of the ACTO, Vikarabad during the period has mentioned below was unauthorisedly absented from duty and habituated to stay away from duty unauthorisedly at his whims and fancies without obtaining prior permission of the officer concerned since 1-4-2002 onwards. Further he is informed that during his 19 ½ years of service he has proceeded on leave at No. of spells as under as per this office records.

I)	a)	From 10-7-1989 to 13-7-1989	(4) Days
	b)	From 16-11-1989 to 23-11-1989	(8) Days
	c)	From 14-12-1989 to 31-1-1990	(48) Days
	d)	From 01-02-1990 to 13-04-1992	(2 years 2 ½ months)

(The above leave sanctioned vice Dy. Commissioner (CT), Hyderabad (Rural) Proceedings No.E2/1080/90, dt.27-07-1993)

II)	a)	From 14-04-1992 to 04-06-1993	(9 months 16 days)
	b)	From 16-07-1993 to 30-06-1996	
	c)	From 01-07-1996 to 11-07-1997	(4 years (Approx.)

(On return from leave the individual posted in the office of the ACTO, Vikarabad and reported to duty on the F.N. of 14-07-1997)

III)	a)	From 22-08-1997 to 05-07-1998	(3 years (8) months)
	b)	From 06-07-1998 to 05-07-1998	(11 days)
	c)	From 06-07-1998 to 07-05-2001	

(On return from leave the individual posted in the office of the ACTO, Vikarabad and reported to duty on the F.N. of 08-05-2001)

IV)	a)	From 01-07-2001 to 31-07-2001	(1 Month)
	b)	From 01-08-2001 to 30-09-2001	(2 Months)
	c)	From 01-10-2001 to 31-10-2001	(1 Month)
	d)	From 01-11-2001 to 31-12-2001	(2 Months)
	e)	From 01-04-2002 to till date	

45) Thus, the individual has availed (13) years (approximately) leave in his (21) years of service as on the date and it shows that he is highly negligent in discharge of his duties and continue to display indiscipline of highest order.

46) Thus Sri Mohd. Mojiz Zakir Ali, Sr. Asst. of Hyderabad (Rural) Division, Hyderabad by his above mentioned acts, he has exhibited lack of devotion to duty and negligence in discharging his legitimate duties during his tenure as Sr. Asst., Office in the office of where he was posted to perform duties and his conduct un becoming of a Government Servant and thereby contravened rule of A.P.C.S. Conduct Rules 1964.

47) Sri Mohd Mojiz Zakir Ali, Sr. Asst.(on leave), O/o the ACTO, Vikarabad was reported to duty on 8-10-2004 vide reference 38th cited for posting orders while expressing his willingness to join duty on 7-10-2004 Forenoon.

48) The CTO, Rajendranagar vide reference 39th cited was forwarded the leave application dated 2-9-2004 of Sri Mohd Mojiz Zakir Ali, Sr. Asst., O/o the ACTO, Vikarabad through which the individual extended leave from 1-7-2004 to 30-9-2004. The CTO while forwarding this application stated that he got enquired by the DCTO, Tandur about "leave address" of the applicant. The DCTO, Tandur in his report stated that the address given by the above individual as H.No.368/A/162, Janakinagar Colony, Tolichowki, Hyderabad is a wrong and incorrect address and he could not traced the address of the applicant.

49) The CTO, Rajendranagar through the reference 40th cited has submitted the joining report dated 7-10-2004 of Sri Mohd Mojiz Zakir Ali, Sr. Asst.,(on leave) O/o the CTO, Vikarabad.

50) On reporting to duty for further posting orders, Sri Mohd Mojiz Zakir Ali was posted as Sr. Asst. in the office of the CTO, Nacharam vice a vacancy vide reference 41st cited on 8-10-2004.

51) The CTO, Nacharam vide reference 42nd cited has informed that Sri Mohd Mojiz Zakir Ali, Sr. Asst., was reported in their office on the F.N. of **8-10-2004**.

52) The CTO, Rajendranagar vide reference 43rd cited has submitted the served copy of Article of charges dated 28-9-2004 issued through the reference 37th cited duly served on the individual on 20-10-2004.

53) The CTO, Nacharam vide reference 44th cited has submitted the written defence statement dated 27-10-2004 of the Accused Officer Sri Mohd Mojiz Zakir Ali, Sr. Asst., of his office formerly Sr. Asst. O/o the ACTO, Vikarabad in which he completely denied the charges and requested to drop the proposal enquiry and charges.

54) The CTO, Nacharam vide reference 45th cited has submitted two applications of Sri Mohd Mojiz Zakir Ali, Sr. Asst., of his office one dated 27-10-2004 pertains to sanction of his leave upto 7-10-2004 i.e. before the date of reporting to duty in their office after posting him as per the DC(CT), Hyd.(R)Divn. posting orders dated 8-10-2004 issued vide reference 41st cited requesting for sanction of leave from 16-4-1993 to 7-10-2004 and 2nd application dated 27-10-2004 for sanction of leave as detailed below.

16-4-1992	to	4-6-1993	415 days E.O.L.
17-7-1993	to	19-7-1993	3 days E.L.
20-7-1993	to	7-10-1993	80 days HPL
8-10-1993	to	13-7-1997	<u>1374</u> days EOL
Total:- <u>1457</u> (i.e.(3) days less 4 years)			
22-8-1997	to	24-8-1997	3 days E.L.
25-8-1997	to	12-11-1997	80 days HPL
13-11-1997	to	7-5-2001	<u>1271</u> days EOL
Total:- <u>1354</u> (i.e. 76 days more 2 ½ years)			
1-7-2001	to	5-7-2001	5 days E.L.
6-7-2001	to	23-9-2001	80 days HPL
24-9-2001	to	7-10-2004	<u>1110</u> days EOL
Total:- <u>1195</u> (i.e. 83 days less 2 ½ years)			

55) The CTO, Nacharam has forwarded the application of Sri Mohd Mojiz Zakir Ali, Sr. Asst., dated 30-10-2004 of his office vide reference 46th cited addressed to the Principal Secretary to Govt. (Rev.) through which the individual has requested for accord permission to accept employment abroad in accordance with the G.O. Ms.No.214 F & P (F.W. & F.R.-I), dated 3-9-1991 as he had received an appointment of offering letter from M/s TANAGHIM ESTABLISHMENT, Riyadh of Kingdom of Saudi Arabia advising him to report early. Further the individual stated that he has to serve in the said firm as per the agreement made by him with the firm. Copy of agreement made by him with the above said abroad for is not furnished.

56) The undersigned being the disciplinary authority appointed the CTO, Saroornagar as Inquiry Officer to enquire into the charges framed against Sri Mohd Mojiz Zakir Ali, Sr. Asst., O/o the CTO, Nacharam circle vide reference 47th cited on filing of written defence statement by the Accused Officer vide reference 44th cited to inquire into the Article of charges framed against him vide reference 37th cited.

57) The CTO, Nacharam vide reference 48th cited has forwarded the leave application dated 3-11-2004 of Sri Mohd Mojiz Zakir Ali, Sr. Asst., of his office for sanction of leave from 4-11-2004 to 15-11-2004 with suffixing Public Holidays falls on 12,13,14 & 15th of November 2004.

58) Sri Mohd Mojiz Zakir Ali, Sr. Asst.,O/o the CTO, Nacharam filed an application dated 12-1-2005 vide reference 49th cited without “proper channel” requesting for sanction of leave from 24-11-2004 to 28-2-2005 on the grounds of “ pressing family problems which to be attended by him personally”.

59) Again Sri Mohd Mojiz Zakir Ali, Sr. Asst., O/o the CTO, Nacharam (on leave) filed an application dated 15-4-2005 vide reference 50th cited through the DC(CT) Saroornagar Division for sanction of leave from 4-11-2004 to 31-5-2005 on the grounds of “ pressing family problems to be attended by him personally”.

60) Again Sri Mohd Mojiz Zakir Ali, Sr. Asst., O/o the CTO, Nacharam (on leave) filed an application dated 25-7-2005 vide reference 51st through DC(CT) Saroornagar Division for sanction of leave from 4-11-2004 to 31-8-2005 on the grounds of “ pressing family problems to be attended by him personally”.

61) The CTO, Saroornagar circle, Hyderabad who is the Enquiry Officer to inquire into the Article of charges framed against Sri Mohd Mojiz Zakir Ali, Sr. Asst., vide reference 37th cited has submitted his enquiry report dated 16-3-2009 through the reference 52nd cited stating that the Accused Officer Sri Mohd Mojiz Zakir Ali, Sr. Asst., has not appeared / attended in the enquiry before him a single time even after issuing several summons and not represented anything about the charges framed against him.

62) The Inquiry Officer / Commercial Tax Officer, Saroornagar has also submitted her findings and opined that “as per rule 5B of A.P. Leave Rules 1933 inserted through the G.O. Ms.No.129 Fin.(F.R-I) Dept. dt.1-6-2007 read with Rule 18 A of F.R. inserted through the G.O.Ms.No.128, Fin (FR-I) Dept., dt.01-6-2007, a Government servant shall be deemed to have resigned from the service if he is absent without authorization for a period of exceeding one year and if he remains absent from duty for a continuous period of exceeding five years with or without leave. Further the Enquiry Officer opined that the Govt. have issued directions through the G.O.Ms.No.260 G.A.(Ser-C) Dept; dated 4-9-2003 that in all cases of un-authorized absence to duty for a continuous period exceeding “one year” the penalty of removal from service shall be imposed on the Govt. Servant / employee after duly following the procedure laid down in the A.P.C.S. (CC&A) Rules, 1991”.

63) According to F.R. 18 and rule 5A of the A.P. Leave Rules 1933, no Govt. Servant should be granted leave of any kind for a period exceeding (5) five years and that willful absence from duty not covered by grant of any leave shall be treated as **“dies-non”** for all purpose viz; increment, leave and pension.

64) As per G.O. Ms.No.260, G.A. (Ser-C) Dept., dated 4-9-2003, the Govt. have issued directions that in all cases of un-authorized absence to duty for a continuous period exceeding “one year”, the penalty of removal from service shall be imposed on the Govt. employee after duly following the procedure laid down in A.P.C.S.(CC&A) Rules, 1991.

65) In view of the above facts and on examination of the inquiry officers report the undersigned being the disciplinary authority came to a conclusion and felt necessary and justified to impose penalty of “ Removal from Service” treating as deemed to have suspended from his service shall be imposed on the Accused Officer for the charges held proved against him.

66) Therefore Sri Mohd Mojiz Zakir Ali, Sr. Asst., O/o the ACTO, Vikarabad and proceeded on leave from O/o the CTO, Nacharam on the A.N. of 3-11-2004 is hereby directed to **show cause** as to why the proposed punishment of Removal from Service while treating as deemed to have resigned from his service should not be imposed against him under Rule 9 of APSCS (CC&A) Rules, 1991 within **one month** from the date of receipt of this show cause notice, failing which it will be construed that there was no explanation with him and final orders will be passed on the strength of the papers available.

Hyderabad,
30-04-2009.

J. LAXMI NARAYANA,
Deputy Commissioner (CT),
Hyderabad(Rural)Divn,
Hyderabad.

To
Sri Mohd. Mojiz Zakir Ali, Sr. Asst,
8-1-366/A/62, Janakinagar Colony,
Towlichowki, Hyderabad (through RPAD)